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U.S. DISTRICT COURT
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TX EASTERN-MARSHALL

BY _____

Civil Action No. 2-04CV-120

(JURY) (WARD)

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## THE PARTIES

- ## JURISDICTION AND VENUE

- 566167v1

this District, and continue to commit acts of infringement in this District, entitling MicroUnity to relief.

**INFRINGEMENT OF U.S. PATENT NO. 5,742,840**

5. On April 21, 1998, United States Patent No. 5,742,840 (the "840 patent") was duly and legally issued for an invention entitled "General Purpose, Multiple Precision Parallel Operation, Programmable Media Processor." MicroUnity was assigned the '840 patent and continues to hold all rights and interest in the '840 patent. A true and correct copy of the '840 patent is attached hereto as Exhibit A.

6. Intel has infringed and continues to infringe the '840 patent by its manufacture, use, sale, importation, and/or offer for sale of products utilizing Intel's SSE (Streaming SIMD Extensions), SSE2 and/or HT (Hyper-Threading) features, including but not limited to Intel's Pentium III Processors, Pentium III Xeon Processors, Celeron II Processors, Mobile Celeron Processors, Celeron III Processors, Xeon Processors, Pentium 4 Processors, and Pentium M Processors and other products, and its contributing to and inducement of others to manufacture, use, sell, import, and/or offer for sale of infringing products. Intel is liable for its infringement of the '840 patent pursuant to 35 U.S.C. § 271.

7. Dell has infringed and continues to infringe the '840 patent by its manufacture, use, sale, importation, and/or offer for sale of products utilizing Intel's SSE (Streaming SIMD Extensions), SSE2 and/or HT (Hyper-Threading) features, including but not limited to Dell's Latitude corporate notebook PCs, PowerEdge Servers, OptiPlex desktop PCs, Precision Workstations, Inspiron consumer notebooks, Dimension consumer desktop systems and other products, and its contributing to and inducement of others to manufacture, use, sell, import, and/or offer for sale of infringing products. Dell is liable for its infringement of the '840 patent pursuant to 35 U.S.C. § 271.

8. Intel's and Dell's acts of infringement have caused damage to MicroUnity and MicroUnity is entitled to recover from Intel and Dell the damages sustained by MicroUnity as a result of Intel's and Dell's wrongful acts in an amount subject to proof at trial. Intel's and Dell's infringement of MicroUnity's exclusive rights under the '840 patent will continue to damage

MicroUnity, causing irreparable harm for which there is no adequate remedy at law, unless enjoined by this Court.

9. Upon information and belief, Intel's and Dell's infringement of the '840 patent is willful and deliberate, entitling MicroUnity to increased damages under 35 U.S.C. § 284 and to attorneys' fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

**INFRINGEMENT OF U.S. PATENT NO. US 5,794,060**

10. On August 11, 1998, United States Patent No. 5,794,060 (the "'060 patent'") was duly and legally issued for an invention entitled "General Purpose, Multiple Precision Parallel Operation, Programmable Media Processor." MicroUnity was assigned the '060 patent and continues to hold all rights and interest in the '060 patent. A true and correct copy of the '060 patent is attached hereto as Exhibit B.

11. Intel has infringed and continues to infringe the '060 patent by its manufacture, use, sale, importation, and/or offer for sale of products utilizing Intel's SSE (Streaming SIMD Extensions), SSE2 and/or HT (Hyper-Threading) features, including but not limited to Intel's Pentium III Processors, Pentium III Xeon Processors, Celeron II Processors, Mobile Celeron Processors, Celeron III Processors, Xeon Processors, Pentium 4 Processors, and Pentium M Processors and other products; and its contributing to and inducement of others to manufacture, use, sell, import, and/or offer for sale of infringing products. Intel is liable for its infringement of the '060 patent pursuant to 35 U.S.C. § 271.

12. Dell has infringed and continues to infringe the '060 patent by its manufacture, use, sale, importation, and/or offer for sale of products utilizing Intel's SSE (Streaming SIMD Extensions), SSE2 and/or HT (Hyper-Threading) features, including but not limited to Dell's Latitude corporate notebook PCs, PowerEdge Servers, OptiPlex desktop PCs, Precision Workstations, Inspiron consumer notebooks, Dimension consumer desktop systems and other products, and its contributing to and inducement of others to manufacture, use, sell, import, and/or offer for sale of infringing products. Dell is liable for its infringement of the '060 patent pursuant to 35 U.S.C. § 271.

13. Intel's and Dell's acts of infringement have caused damage to MicroUnity and MicroUnity is entitled to recover from Intel and Dell the damages sustained by MicroUnity as a result of Intel's and Dell's wrongful acts in an amount subject to proof at trial. Intel's and Dell's infringement of MicroUnity's exclusive rights under the '060 patent will continue to damage MicroUnity, causing irreparable harm for which there is no adequate remedy at law, unless enjoined by this Court.

14. Upon information and belief, Intel's and Dell's infringement of the '060 patent is willful and deliberate, entitling MicroUnity to increased damages under 35 U.S.C. § 284 and to attorneys' fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

**INFRINGEMENT OF U.S. PATENT NO. US 5,794,061**

15. On August 11, 1998, United States Patent No. 5,794,061 (the "'061 patent'") was duly and legally issued for an invention entitled "General Purpose, Multiple Precision Parallel Operation, Programmable Media Processor." MicroUnity was assigned the '061 patent and continues to hold all rights and interest in the '061 patent. A true and correct copy of the '061 patent is attached hereto as Exhibit C.

16. Intel has infringed and continues to infringe the '061 patent by its manufacture, use, sale, importation, and/or offer for sale of products utilizing Intel's SSE (Streaming SIMD Extensions), SSE2 and/or HT (Hyper-Threading) features, including but not limited to Intel's Pentium III Processors, Pentium III Xeon Processors, Celeron II Processors, Mobile Celeron Processors, Celeron III Processors, Xeon Processors, Pentium 4 Processors, and Pentium M Processors and other products; and its contributing to and inducement of others to manufacture, use, sell, import, and/or offer for sale of infringing products. Intel is liable for its infringement of the '061 patent pursuant to 35 U.S.C. § 271.

17. Dell has infringed and continues to infringe the '061 patent by its manufacture, use, sale, importation, and/or offer for sale of products utilizing Intel's SSE (Streaming SIMD Extensions), SSE2 and/or HT (Hyper-Threading) features, including but not limited to Dell's Latitude corporate notebook PCs, PowerEdge Servers, OptiPlex desktop PCs, Precision Workstations, Inspiron consumer notebooks, Dimension consumer desktop systems and other

products, and its contributing to and inducement of others to manufacture, use, sell, import, and/or offer for sale of infringing products. Dell is liable for its infringement of the '061 patent pursuant to 35 U.S.C. § 271.

18. Intel's and Dell's acts of infringement have caused damage to MicroUnity and MicroUnity is entitled to recover from Intel and Dell the damages sustained by MicroUnity as a result of Intel's and Dell's wrongful acts in an amount subject to proof at trial. Intel's and Dell's infringement of MicroUnity's exclusive rights under the '061 patent will continue to damage MicroUnity, causing irreparable harm for which there is no adequate remedy at law, unless enjoined by this Court.

19. Upon information and belief, Intel's and Dell's infringement of the '061 patent is willful and deliberate, entitling MicroUnity to increased damages under 35 U.S.C. § 284 and to attorneys' fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

#### **INFRINGEMENT OF U.S. PATENT NO. 5,809,321**

20. On September 15, 1998, United States Patent No. 5,809,321 (the "'321 patent'") was duly and legally issued for an invention entitled "General Purpose, Multiple, Precision, Parallel Operation, Programmable Media Processor." MicroUnity was assigned the '321 patent and continues to hold all rights and interest in the '321 patent. A true and correct copy of the '321 patent is attached hereto as Exhibit D.

21. Intel has infringed and continues to infringe the '321 patent by its manufacture, use, sale, importation, and/or offer for sale of products utilizing Intel's SSE (Streaming SIMD Extensions), SSE2 and/or HT (Hyper-Threading) features, including but not limited to Intel's Pentium III Processors, Pentium III Xeon Processors, Celeron II Processors, Mobile Celeron Processors, Celeron III Processors, Xeon Processors, Pentium 4 Processors, and Pentium M Processors and other products; and its contributing to and inducement of others to manufacture, use, sell, import, and/or offer for sale of infringing products. Intel is liable for its infringement of the '321 patent pursuant to 35 U.S.C. § 271.

22. Dell has infringed and continues to infringe the '321 patent by its manufacture, use, sale, importation, and/or offer for sale of products utilizing Intel's SSE (Streaming SIMD

Extensions), SSE2 and/or HT (Hyper-Threading) features, including but not limited to Dell's Latitude corporate notebook PCs, PowerEdge Servers, OptiPlex desktop PCs, Precision Workstations, Inspiron consumer notebooks, Dimension consumer desktop systems and other products, and its contributing to and inducement of others to manufacture, use, sell, import, and/or offer for sale of infringing products. Dell is liable for its infringement of the '321 patent pursuant to 35 U.S.C. § 271.

23. Intel's and Dell's acts of infringement have caused damage to MicroUnity and MicroUnity is entitled to recover from Intel and Dell the damages sustained by MicroUnity as a result of Intel's and Dell's wrongful acts in an amount subject to proof at trial. Intel's and Dell's infringement of MicroUnity's exclusive rights under the '321 patent will continue to damage MicroUnity, causing irreparable harm for which there is no adequate remedy at law, unless enjoined by this Court.

24. Upon information and belief, Intel's and Dell's infringement of the '321 patent is willful and deliberate, entitling MicroUnity to increased damages under 35 U.S.C. § 284 and to attorneys' fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

#### **INFRINGEMENT OF U.S. PATENT NO. 6,584,482 B1**

25. On June 24, 2003, United States Patent No. 6,584,482 B1 (the "'482 patent'") was duly and legally issued for an invention entitled "Multiplier Array Processing System With Enhanced Utilization At Lower Precision." MicroUnity was assigned the '482 patent and continues to hold all rights and interest in the '482 patent. A true and correct copy of the '482 patent is attached hereto as Exhibit E.

26. Intel has infringed and continues to infringe the '482 patent by its manufacture, use, sale, importation, and/or offer for sale of products utilizing Intel's SSE (Streaming SIMD Extensions), SSE2 and/or HT (Hyper-Threading) features, including but not limited to Intel's Pentium III Processors, Pentium III Xeon Processors, Celeron II Processors, Mobile Celeron Processors, Celeron III Processors, Xeon Processors, Pentium 4 Processors, and Pentium M Processors and other products; and its contributing to and inducement of others to manufacture,

use, sell, import, and/or offer for sale of infringing products. Intel is liable for its infringement of the '482 patent pursuant to 35 U.S.C. § 271.

27. Dell has infringed and continues to infringe the '482 patent by its manufacture, use, sale, importation, and/or offer for sale of products utilizing Intel's SSE (Streaming SIMD Extensions), SSE2 and/or HT (Hyper-Threading) features, including but not limited to Dell's Latitude corporate notebook PCs, PowerEdge Servers, OptiPlex desktop PCs, Precision Workstations, Inspiron consumer notebooks, Dimension consumer desktop systems and other products, and its contributing to and inducement of others to manufacture, use, sell, import, and/or offer for sale of infringing products. Dell is liable for its infringement of the '482 patent pursuant to 35 U.S.C. § 271.

28. Intel's and Dell's acts of infringement have caused damage to MicroUnity and MicroUnity is entitled to recover from Intel and Dell the damages sustained by MicroUnity as a result of Intel's and Dell's wrongful acts in an amount subject to proof at trial. Intel's and Dell's infringement of MicroUnity's exclusive rights under the '482 patent will continue to damage MicroUnity, causing irreparable harm for which there is no adequate remedy at law, unless enjoined by this Court.

29. Upon information and belief, Intel's and Dell's infringement of the '482 patent is willful and deliberate, entitling MicroUnity to increased damages under 35 U.S.C. § 284 and to attorneys' fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

#### **INFRINGEMENT OF U.S. PATENT NO. 6,643,765 B1**

30. On November 4, 2003, United States Patent No. 6,643,765 B1 (the "'765 patent'") was duly and legally issued for an invention entitled "Programmable Processor with Group Floating Point Operations." MicroUnity was assigned the '765 patent and continues to hold all rights and interest in the '765 patent. A true and correct copy of the '765 patent is attached hereto as Exhibit F.

31. Intel has infringed and continues to infringe the '765 patent by its manufacture, use, sale, importation, and/or offer for sale of products utilizing Intel's SSE (Streaming SIMD Extensions), SSE2 and/or HT (Hyper-Threading) features, including but not limited to Intel's

Pentium III Processors, Pentium III Xeon Processors, Celeron II Processors, Mobile Celeron Processors, Celeron III Processors, Xeon Processors, Pentium 4 Processors, and Pentium M Processors and other products; and its contributing to and inducement of others to manufacture, use, sell, import, and/or offer for sale of infringing products. Intel is liable for its infringement of the '765 patent pursuant to 35 U.S.C. § 271.

32. Dell has infringed and continues to infringe the '765 patent by its manufacture, use, sale, importation, and/or offer for sale of products utilizing Intel's SSE (Streaming SIMD Extensions), SSE2 and/or HT (Hyper-Threading) features, including but not limited to Dell's Latitude corporate notebook PCs, PowerEdge Servers, OptiPlex desktop PCs, Precision Workstations, Inspiron consumer notebooks, Dimension consumer desktop systems and other products, and its contributing to and inducement of others to manufacture, use, sell, import, and/or offer for sale of infringing products. Dell is liable for its infringement of the '765 patent pursuant to 35 U.S.C. § 271.

33. Intel's and Dell's acts of infringement have caused damage to MicroUnity and MicroUnity is entitled to recover from Intel and Dell the damages sustained by MicroUnity as a result of Intel's and Dell's wrongful acts in an amount subject to proof at trial. Intel's and Dell's infringement of MicroUnity's exclusive rights under the '765 patent will continue to damage MicroUnity, causing irreparable harm for which there is no adequate remedy at law, unless enjoined by this Court.

34. Upon information and belief, Intel's and Dell's infringement of the '765 patent is willful and deliberate, entitling MicroUnity to increased damages under 35 U.S.C. § 284 and to attorneys' fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

#### **INFRINGEMENT OF U.S. PATENT NO. 6,725,356 B2**

35. On April 20, 2004, United States Patent No. 6,725,356 B2 (the "'356 patent'") was duly and legally issued for an invention entitled "System With Wide Operand Architecture, And Method." MicroUnity was assigned the '356 patent and continues to hold all rights and interest in the '356 patent. A true and correct copy of the '356 patent is attached hereto as Exhibit G.



36. Intel has infringed and continues to infringe the '356 patent by its manufacture, use, sale, importation, and/or offer for sale of products utilizing Intel's SSE (Streaming SIMD Extensions), SSE2 and/or HT (Hyper-Threading) features, including but not limited to Intel's Pentium III Processors, Pentium III Xeon Processors, Celeron II Processors, Mobile Celeron Processors, Celeron III Processors, Xeon Processors, Pentium 4 Processors, and Pentium M Processors and other products, and its contributing to and inducement of others to manufacture, use, sell, import, and/or offer for sale of infringing products. Intel is liable for its infringement of the '356 patent pursuant to 35 U.S.C. § 271.

37. Dell has infringed and continues to infringe the '356 patent by its manufacture, use, sale, importation, and/or offer for sale of products utilizing Intel's SSE (Streaming SIMD Extensions), SSE2 and/or HT (Hyper-Threading) features, including but not limited to Dell's Latitude corporate notebook PCs, PowerEdge Servers, OptiPlex desktop PCs, Precision Workstations, Inspiron consumer notebooks, Dimension consumer desktop systems and other products, and its contributing to and inducement of others to manufacture, use, sell, import, and/or offer for sale of infringing products. Dell is liable for its infringement of the '356 patent pursuant to 35 U.S.C. § 271.

38. Intel's and Dell's acts of infringement have caused damage to MicroUnity and MicroUnity is entitled to recover from Intel and Dell the damages sustained by MicroUnity as a result of Intel's and Dell's wrongful acts in an amount subject to proof at trial. Intel's and Dell's infringement of MicroUnity's exclusive rights under the '356 patent will continue to damage MicroUnity, causing irreparable harm for which there is no adequate remedy at law, unless enjoined by this Court.

39. Upon information and belief, Intel's and Dell's infringement of the '356 patent is willful and deliberate, entitling MicroUnity to increased damages under 35 U.S.C. § 284 and to attorneys' fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

#### **INFRINGEMENT OF U.S. PATENT NO. 5,630,096**

40. On May 13, 1997, United States Patent No. 5,630,096 (the "'096 patent") was duly and legally issued for an invention entitled "Controller For A Synchronous DRAM That

Maximizes Throughput By Allowing Memory Requests And Commands To Be Issued Out Of Order." MicroUnity was assigned the '096 patent and continues to hold all rights and interest in the '096 patent. A true and correct copy of the '096 patent is attached hereto as Exhibit H.

41. Intel has infringed and continues to infringe the '096 patent by its manufacture, use, sale, importation, and/or offer for sale of products utilizing a controller for synchronous DRAM operations, including but not limited to Intel's 440LX, 440BX, 440EX, 440GX, 450NX, 440ZX, 440DX, i810, Profusion, i820, i810E and i840 chipsets; and its contributing to and inducement of others to manufacture, use, sell, import, and/or offer for sale of such products. Intel is liable for its infringement of the '096 patent pursuant to 35 U.S.C. § 271.

42. Dell has infringed and continues to infringe the '096 patent by its manufacture, use, sale, importation, and/or offer for sale of products utilizing Intel's controller for synchronous DRAM operations, including but not limited to Dell's Latitude corporate notebook PCs, PowerEdge Servers, OptiPlex desktop PCs, Precision Workstations, Inspiron consumer notebooks, Dimension consumer desktop systems and other products, and its contributing to and inducement of others to manufacture, use, sell, import, and/or offer for sale of infringing products. Dell is liable for its infringement of the '096 patent pursuant to 35 U.S.C. § 271.

43. Intel's and Dell's acts of infringement have caused damage to MicroUnity and MicroUnity is entitled to recover from Intel and Dell the damages sustained by MicroUnity as a result of Intel's and Dell's wrongful acts in an amount subject to proof at trial. Intel's and Dell's infringement of MicroUnity's exclusive rights under the '096 patent will continue to damage MicroUnity, causing irreparable harm for which there is no adequate remedy at law, unless enjoined by this Court.

44. Upon information and belief, Intel's and Dell's infringement of the '096 patent is willful and deliberate, entitling MicroUnity to increased damages under 35 U.S.C. § 284 and to attorneys' fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

#### **JURY DEMAND**

45. MicroUnity demands a trial by jury on all issues.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff MicroUnity Systems Engineering, Inc., requests entry of judgment in its favor and against Intel Corporation and Dell, Inc. as follows:

a) Declaration that Intel Corporation and Dell, Inc. have infringed U.S. Patent Nos. 5,742,840, 5,794,060, 5,794,061, 5,809,321, 6,584,482 B1, 6,643,765 B1, 6,725,356 B2 and 5,630,096;

b) Permanently enjoining Intel Corporation. and Dell, Inc., and , the respective officers, agents, employees, and those acting in privity with them, from further infringement, contributory infringement and/or inducing infringement of U.S. Patent Nos. 5,742,840, 5,794,060, 5,794,061, 5,809,321, 6,584,482 B1, 6,643,765 B1, 6,725,356 B2 and 5,630,096;

c) Awarding the damages arising out of Intel Corporation's and Dell, Inc.'s infringement of U.S. Patent Nos. 5,742,840, 5,794,060, 5,794,061, 5,809,321, 6,584,482 B1, 6,643,765 B1, 6,725,356 B2 and 5,630,096, including enhanced damages pursuant to 35 U.S.C. § 284, to MicroUnity Systems Engineering, Inc., together with prejudgment and post-judgment interest, in an amount according to proof;

d) An award of attorneys' fees pursuant to 35 U.S.C. § 285 or as otherwise permitted by law; and

e) For such other costs and further relief as the Court may deem just and proper.

DATED: April 20, 2004

Respectfully submitted,

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Attorneys for MICROUNITY SYSTEMS  
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**CERTIFICATE OF SERVICE**

This is to certify that a true and correct copy of the foregoing instrument has been served on the following counsel of record, this 20<sup>th</sup> day of April, 2004, as indicated below:

David Healey  
Weil Gotshal & Manges, LLP  
700 Louisiana, Suite 1600  
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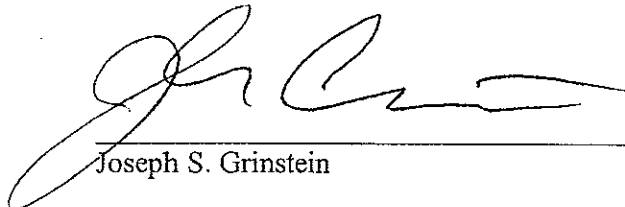
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Joseph S. Grinstein

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